

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

AARON GANT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, a  
Delaware Corporation,

Defendant.

Case No. 2:19-cv-12533

Honorable Sean F. Cox

Magistrate Judge David R. Grand

**STIPULATION TO EXTEND PLAINTIFFS' DEADLINE TO FILE AN  
AMENDED COMPLAINT OR IN THE ALTERNATIVE A  
RESPONSE TO DEFENDANT'S MOTION TO DISMISS, AND SETTING A  
DEADLINE FOR FORD'S RESPONSIVE FILINGS TO PLAINTIFFS'  
ANTICIPATED AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED that Plaintiffs' deadline to Amend or Respond to Defendant's Motion to Dismiss, as set forth in this Court's Order ECF No. 10, dated October 16, 2019, be extended from November 6, 2019, to the date of November 22, 2019, and in support, state as follows:

1.) Plaintiffs state that in response to the Court's Order, ECF No. 10, they intend to file an amended complaint. However, their counsel, Kenneth A. Stern, has a number of conflicting and concurrent time-sensitive matters in which he is personally involved, necessitating this short extension, including:

- Mr. Stern is counsel of record for over one thousand, seven hundred (1,700) clients in the matter of: *In re Chrysler-Dodge-Jeep EcoDiesel Marketing*, Case No: 17-md-02777-EMC, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CHIEF MAGISTRATE JUDGE JOSEPH C. SPERO, and wherein he is required by Court Order to produce by November 18, 2019, voluminous materials and detailed settlement demands after communicating with each Plaintiff. A copy of Magistrate Spero's Minute Order has been attached hereto as Exhibit A.
- Mr. Stern is also directly involved in managing a recent and serious health issue involving his daughter in New York, NY. Further information can be provided to the Court upon request.

2.) Ford does not oppose the plaintiffs' request to extend their deadline to file their anticipated amended complaint to November 22, 2019, provided that Ford's deadline to respond to that amended complaint is likewise extended until January 17, 2020. Ford proposes that this January 17, 2019 deadline for its response filings is reasonable and appropriate in light of the facts that 1) there are three intervening holidays between November 22 and January 17 that fall in the middle of those respective weeks, and 2) the plaintiffs' current complaint is already 439 pages long,

with 373 plaintiffs, and seven counts, and Ford anticipates that the next version may be even longer. Plaintiffs consent to Ford's requested extension until January 17, 2020, for its responsive filings.

This matter having come before the Court by stipulation of the parties, and the Court being otherwise fully advised in the premises;

**IT IS ORDERED** that Plaintiffs' deadline to Amend or Respond to Defendant's Motion to Dismiss, as set forth in this Court's Order ECF No. 10, dated October 16, 2019, be extended from November 6, 2019, to the date of November 22, 2019;

**IT IS FURTHER ORDERED** that Ford's responsive filing deadline be extended until January 17, 2020.

**IT IS SO ORDERED.**

Dated: November 6, 2019

s/Sean F. Cox

Sean F. Cox

U. S. District Judge

STIPULATED AND AGREED:

/s/ Kenneth A. Stern (with consent)

Kenneth A. Stern (P30722)

Attorney for Plaintiff

/s/ Thomas Branigan

Thomas Branigan (P41774)

Attorneys for Defendant

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CHIEF MAGISTRATE JUDGE JOSEPH C. SPERO**

**AMENDED CIVIL MINUTES**

**Case No.:** [17-md-02777-EMC](#)

**Case Name:** In re Chrysler-Dodge-Jeep EcoDiesel Marketing

**Date:** October 17, 2019

**Time:** 3 H

**Deputy Clerk:** Karen Hom

**Court Reporter:** Not Reported

**Attorneys for Plaintiffs (Opt-Out):** Eric Pearson, Charles Miller, Craig M. Patrick, Neil Gielegem, Kevin R. Duck – for Jonathan Breaux, Kenneth Stern, Michael J. Melkersen  
**Attorneys for Defendants:** Robert J. Giuffra, Jr., Bill Monahan, Matthew Slater, Carline W. Stanton, Ryan Sandrock

**PROCEEDINGS**

☒ Settlement Conference - Held

☐ Case Settled      ☐ Case Did Not Settle      ☐ Partial Settlement

☐ Further Settlement Conference

☐ Case Settled      ☐ Case Did Not Settle      ☐ Partial Settlement

☐ Telephonic Scheduling Conference to set Settlement Conference

☐ Further Telephonic Settlement Conference

☐ Discovery Conference – Lead Trial Counsel Meet and Confer

☐ Status Conference

☐ Other

**Notes:** On or before October 25, 2019, the FCA defendants shall produce the following to Counsel for the opt-out plaintiffs (with copies to the Court at [jcssettlement@cand.uscourts.gov](mailto:jcssettlement@cand.uscourts.gov) where indicated):

1. Non-emissions testing date provided to the EPA or CARB or the PSC regarding both the original and proposed updated calibrations;

2. A letter to plaintiffs, cc to the Court, stating the number of complaints received regarding the updated calibration, and any categories of complaints other than the cold-start issue;
3. Depositions (fact, not expert) of any of the FCA Defendants, Bosch and of the EPA, including all exhibits marked at those depositions;
4. A letter to plaintiffs, cc to the Court, on the current status of the updated calibration.

Counsel for the op-out plaintiffs shall sign the confidentiality order in this case.

On or before November 18, 2019\*, Counsel for each of the groups of Opt-out plaintiffs shall provide settlement demands to counsel for all defendants (which may be aggregate demands), with cc to the Court, and shall also provide by that date the following with respect to each individual plaintiff:

1. Make, model and Vin #;
2. Mileage as of a date certain;
3. Whether the vehicle was owned or leased;
4. Whether the vehicle was sold or a lease terminated;
5. MSRP at time of purchase or lease;
6. Sale price if applicable
7. Whether the vehicle was in an accident that either (1) resulted in the vehicle being a total loss, or (2) resulted in \$10,000 or more in repairs;
8. Whether the vehicle was new or used; and
9. Whether the vehicle received the AEM .

All productions of information and documents pursuant to this minute order are for settlement purposes only.

A further settlement conference is set for December 9, 2019 at 9:30 AM. Settlement conference statements due December 2, 2019.

\*Amended to correct date from December 18 to November 18.